

21 C.J.S. Courts § 258

Corpus Juris Secundum | May 2023 Update

Courts

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VIII. Concurrent and Conflicting Jurisdiction

A. Courts of Same State

1. In General

§ 258. Enjoining proceedings by other court

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, Courts  480(1) to 480(3)

Generally, one court may not, by an order in one action, stay proceedings in an action pending in another court in the state, but one court may restrain the parties from proceeding in another court in the same state under certain conditions.

Generally, one court may not, by an order in one action, stay proceedings in an action pending in another court in the state.¹ One court may, however, restrain the parties from proceeding further in another court in the same state² where the first court possesses exclusive jurisdiction over the matter,³ or the courts have concurrent jurisdiction but the exercise of jurisdiction by the former court is prior in time.⁴

By contrast, one court should not enjoin the parties from proceeding in another court where the court whose proceedings are sought to be enjoined has exclusive jurisdiction in the matter⁵ or has

previously acquired jurisdiction of the parties and the subject matter.⁶ A court also has no equitable power to prevent other forums from hearing issues founded upon identical statutory or common-law principles but involving different parties.⁷ On the other hand, a court should not deny a stay of proceedings in another court where the other forum correctly determines that it lacks jurisdiction to hear certain claims.⁸

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Footnotes

1 Ga.—[National Enterprises, Inc. v. Davis](#), 145 Ga. App. 198, 243 S.E.2d 563 (1978).

2 N.Y.—[Modernismo Publications, Ltd. v. Tenney](#), 104 A.D.2d 721, 480 N.Y.S.2d 657 (4th Dep't 1984).

3 Okla.—[Gayer v. Roddie](#), 1932 OK 75, 155 Okla. 27, 7 P.2d 847 (1932).

4 Pa.—[In re Crisswell's Estate](#), 334 Pa. 266, 5 A.2d 577 (1939).

5 Tex.—[Gannon v. Payne](#), 706 S.W.2d 304 (Tex. 1986).

6 U.S.—[Matter of Bazan](#), 6 B.R. 937 (Bankr. N.D. Ill. 1980).

7 Ala.—[Grimes v. Liberty Nat. Life Ins. Co.](#), 726 So. 2d 615 (Ala. 1998).

8 Ill.—[In re Marriage of Baltzer](#), 150 Ill. App. 3d 890, 104 Ill. Dec. 196, 502 N.E.2d 459 (2d Dist. 1986).

9 Tex.—[Gannon v. Payne](#), 706 S.W.2d 304 (Tex. 1986).

Interpleader action
The court in an action on a bond has jurisdiction to restrain all parties to the action from instituting or further prosecuting any other proceeding affecting rights and obligations of parties to the surety's interpleader action.

Cal.—[Surety Co. of the Pacific v. Piver](#), 149 Cal. App. 3d Supp. 29, 197 Cal. Rptr. 531 (App. Dep't Super. Ct. 1983).

5 Miss.—[Bramlett v. Burgin](#), 382 So. 2d 284 (Miss. 1979).

6 U.S.—[Wise v. Pacific States Life Ins. Co.](#), 11 F. Supp. 895 (E.D. Ill. 1935).

Ark.—[Wright v. Le Croy](#), 184 Ark. 837, 44 S.W.2d 355 (1931).

Utah—[Nielson v. Schiller](#), 92 Utah 137, 66 P.2d 365 (1937).

7 Ky.—[Com. v. Mountain Truckers Ass'n, Inc.](#), 683 S.W.2d 260 (Ky. Ct. App. 1984).

As to requirement of identity of subject matter, parties, and relief in the context of jurisdictional priority, see § 255.

8 N.Y.—[Green v. Glenbriar Co.](#), 131 A.D.2d 363, 516 N.Y.S.2d 670 (1st Dep't 1987).